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PART IV

Legislative Measures and Rules thereunder

NOTIFICATIONS.

No. T. 1545—R. T. 18-45-12, dated Bangalore, the 6th December 1945.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in the Mysore Motor Vehicles Spare Parts Control Order, 1945.—

Amendment.

In clause 16 of the said Order after the word "Government" the following words shall be inserted, namely—

"or the Chief Rationing Authority."

MOHAMED ISMAIL SHERIFF, *Genl. Secy.*

No. S. D. 3619—C. 45-44-14, dated Bangalore, the 10—11th December 1945.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules, as in force in Mysore, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made to the Sugar and Sugar Products Control Order, 1944, namely :—

In sub-clause (3) of Clause 8 of the Order, for the words "bura and powdered jaggery (Mogadum sugar)", the words "and bura" shall be substituted.

C. E. NORONHA, *Dev. Secy.* (*Food Supplies*).

No. R. S. 1563, dated Bangalore, the 7th December 1945.

Under Section 31 of the Mysore Railway Act, IV of 1894, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following amendments be made to the General Rules for working Open Lines of Railways, published with their Notification No. R. S. 2010, dated 25th January 1930, and to sanction the adoption of the Rules on the Railways over which the Mysore Government have jurisdiction.—

In Part I of the said Rules—

(1) In Rule 166, for the portion beginning with the words "When a train" and ending with the words "he is recalled"; at the end of clause (b), the following shall be substituted, namely :—

"When a train is stopped between stations on account of accident, failure, obstruction or other exceptional cause, and the

Driver finds that his train cannot proceed, he shall, as prescribed by special instructions, sound his whistle to apprise the Guard of the fact and exchange hand signals with him. The Guard and the Driver will then take the following action immediately :—

(*a*) The Guard shall either himself go back or send a competent person back to protect the train; if the Guard has deputed a competent person to protect the train, he shall go to the Driver for consultation ;

(*b*) The person going back to protect the train shall plainly show his hand danger signal to stop any approaching train and in addition to his hand signals, shall take detonators and place them upon the line on which the stoppage has occurred, as follows :—

(i) one detonator, a quarter of a mile from his train, to be placed on the way out ; and

(ii) three detonators, ten yards apart, not less than half a mile from his train or at such distance as has been fixed by special instructions ;

(*c*) If a person other than the Guard has gone back to protect the train, he shall, after taking action as per sub-rule (*b*) (ii), continue to show his hand danger signal, to stop any approaching train, until he is recalled ;

(*d*) When the Guard has himself gone back to protect the train, he shall after taking action as in sub-rules (*b*) (i) and (ii), depute a railway servant, if available, to show a hand danger signal to stop any approaching train until he is recalled, and shall himself return to his train to ascertain the cause ;

(*e*) Unless the Guard has succeeded in getting another railway servant to show a danger signal, as in sub-rule (*d*) above, he shall, after consultation with the Driver, once again return to the place at which he placed three detonators half a mile away from the train, showing his hand danger signal to any approaching train and continue to do so until he is recalled."

(2) The existing sub-rules (*c*), (*d*) and (*e*) of Rule 166 shall be re-lettered (*f*), (*g*) and (*h*) respectively.

(3) For the words, letters and brackets "clauses (*b*) and (*c*)" occurring in the re-lettered sub-rule (*g*) of Rule 166, the words, letters and brackets "clauses (*b*) and (*f*)" shall be substituted.

(4) For the words, letters and brackets "clauses (*a*), (*b*), (*c*) and (*d*)" occurring in the re-lettered sub-rule (*h*) of rule 166, the words, letters and brackets "clauses (*a*) to (*g*)" shall be substituted.

(5) For sub-rules (*a*) and (*b*) of Rule 170, the following sub-rules shall be substituted, namely :—

"(*a*) When a train stopped between stations has to be divided in consequence of an accident or the inability of the engine

to take the whole train forward, the Guard incharge of the train shall immediately take steps to protect the rear portion of his train in accordance with rule 166.

(*b*) If the engine is capable of proceeding either with or without vehicles, the Guard shall, after taking action as in sub-rule (*a*) and before uncoupling, put down the brakes and shall, if necessary, otherwise, carefully secure the rear portion of the train to ensure its remaining stationary.

(*c*) When the Guard has taken action as in sub-rule (*b*) above, he shall give written permission to the Driver to uncouple and proceed to the next station, and may, if he thinks fit, give him written instructions to return on the same line."

(6) The existing sub-rule "(*c*)" of Rule 170 shall be re-lettered "(*d*)", and the existing sub-rule "(*d*)" shall be omitted.

(7) For the words, letter and brackets "sub-rule (*b*)" occurring in sub-rules (*h*), (*i*) and (*k*), the words, letter and brackets "sub-rule (*c*)" shall be substituted.

K. D. JOSHI, *Secy. for Railways.*

No. C. 609—C. O. 35-45-2, dated Bangalore, the December 1945.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order and to direct, with reference to sub-rule (1) of rule 119 of the said Rules, that notice of the Order shall be given by the publication of the same in the official Gazette and by the issue of a Press Note summarising and explaining its provisions:—

1. (1) This Order may be called the Textile Industry (Miscellaneous Articles) Control Order, 1945;

(2) It extends to the whole of Mysore;

(3) It shall come into force at once;

(4) The Textile Industry (Miscellaneous Articles) Control Order, 1943, is hereby repealed;

Provided that anything done under any provision of that Order shall be deemed to have been done under the corresponding provision of this Order.

2. (1) This Order shall apply to the articles enumerated in Schedule I annexed thereto;

(2) The Control Orders specified in Schedule II shall be cancelled.

3. In this Order, "Controller" means the 'Controller of Civil Supplies and includes any other officer appointed by the Government to perform all or any of the functions of the Controller under this Order.

4. No person shall sell or otherwise dispose of, or purchase or otherwise acquire, any article to which this order applies, except under and in accordance with the terms of a general permit or a special licence issued or granted by the Controller, or in pursuance of a direction

given under clause 6, in prior consultation with the British Indian Controller.

5. (1) Any person who desires to purchase or otherwise acquire any of the articles to which this Order applies and who is not expressly authorised to do so by any general permit issued under clause 4 shall apply to the Controller for a special license;

(2) Any person who desires to sell or otherwise dispose of any of the articles to which this Order applies and of which the purchase but not the sale has been expressly authorised by any general permit issued under clause 4, shall apply to the Controller for a special license;

(3) Application under sub-clauses (1) and (2) shall be made in triplicate in such form as may be required by the Controller.

6. Any person, if directed by the Controller to sell or otherwise dispose of any article, to which this Order applies, to a particular person, shall comply with such direction.

7. Any person, if required so to do by the Controller, shall submit a return in such form as he may prescribe giving details of his stocks.

8. The Controller may, if he has reason to believe that any person has contravened, is contravening or is likely to contravene, any of the provisions of this Order—

(*a*) require any person to give such information in his possession with respect to any business carried on by that or any other person as he may demand;

(*b*) inspect or cause to be inspected any books or documents belonging to, or under the control of, any person;

(*c*) enter and search, or authorise a police officer not below the rank of a Sub-Inspector to enter and search any premises.

9. (1) No person shall refuse to give any information duly demanded from him under clause 8;

(2) No person, with intent to evade the provisions of this Order, shall conceal, destroy, mutilate or deface any book or other document.

10. Any Court trying a contravention of this order may without prejudice to any other sentence which it may pass, direct that any article or articles in respect of which it is satisfied that the Order has been contravened, shall be forfeited to Government.

SCHEDULE I.

Cotton Card Clothing and Card Clothing Sundries.

For Flat Cards :—

1. Cylinder Fillet
2. Doffer fillet
3. Sets of tops.
4. Stripping fillet.
5. Burnishing fillet.
6. Hand stripping cards.
7. Waltons brushes.

For Flat Cards :—

8. Spiral strips.
9. Phillipsons sheets.
10. Phillipsons top clearer strips.
11. Ashworths top clearer strips.
12. Ashworth dirt roller fillet.
13. Rhods stripping fillet.
14. Lickerin wire.
15. Blued Steel wire for Roving waste openers.
16. Cards tracks.
17. Raising fillet.

For Waste and Wedding cards :—

18. Cylinder fillet.
19. Doffer fillet.
20. Roller fillet.
21. Clearer fillet.
22. Fancy fillet.
23. Under clearer fillet.
24. Fancy stripper fillet.
25. Humbug fillet.
26. Feed roller fillet.
27. Lickerin fillet.
28. All other card clothing and sundries.

Healds and Reeds, for use on Textile Looms, other than Jute and Hemp.

1. Cotton Healds.
2. Wire Healds.
3. Reeds.

Shuttles for use in Textile Looms other than Jute and Hemp :—

1. Shuttles for looms (ordinary).
2. Shuttles for looms (automatic).

Bobbins for use on Textile Machines other than Jute and Hemp :—

1. Slubbing tubes.
2. Roving tubes.
3. Ring rabbeth.
4. Ring weft pirns (including Universal and Wadia pirns).
5. Ring doubler bobbins.
6. Warper bobbins.
7. Paper tubes and cones.

Ring Travellers :—

Ring travellers of all types used by the Textile Industry other than Jute and Hemp.

Other articles used on Textile Machines other than Jute and Hemp :—

1. Picking sticks.
2. Imported tallows.
3. New and secondhand spindles.
4. All Nickelin tubes.
5. Ordinary loom pickers of all types.

SCHEDULE II.

1. The Cotton Card Clothing and all Card Clothing Sundries Control Order, 1942.
2. The Healds and Reeds Control Order, 1943.
3. The Shuttles Control Order, 1943.
4. The Bobbins Control Order, 1943.
5. The Ring Traveller Control Order, 1943.

No. C. 594—Co. 32-45-2, dated Bangalore, the 4th November 1945.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order, and to direct with reference to sub-rule (1) of rule 119 of the said Rules, that notice of the Order shall be given by the publication of the same in the official Gazette and by the issue of a Press Note summarising and explaining its provisions :—

1. (1) This Order may be called the Cotton Cloth and Yarn (Control) Order, 1945 ;

(2) It shall come into force at once.

2. (1) The provisions of this Order shall be in addition to and not in derogation of any other law for the time being in force ;

(2) The Cotton Cloth and Yarn (Control) Order, 1943, is hereby repealed :

Provided that anything done under any provision of that Order shall be deemed to have been done under the corresponding provision of this Order ;

Provided further that any reference in any order issued under the Defence of India Rules or in any notification issued thereunder to any provision of the Cotton Cloth and Yarn (Control) Order, 1943, shall, unless a different intention appears, be construed as reference to the corresponding provision of this order.

3. In this Order, unless there is anything repugnant in the subject or context,—

(*a*) " Cloth " and " Yarn " mean respectively any type of cloth or yarn manufactured either wholly from cotton, or partly from cotton and partly from any other material and containing not less than 10 per cent of cotton by weight, but " cloth " does not include—

(i) ready-made clothing other than dhoties and sarees ;

(ii) hosiery ;

(iii) any articles which are Indian Woollen goods as defined in the Indian Woollen Goods (Control) Order, 1944 ;

(iv) leather cloth and inferior or imitation leather cloth ordinarily used in book-binding ;

(v) tracing paper ;

(vi) cloth manufactured partly from cotton and partly from wool and containing 40 per cent or less of cotton by weight ;

(vii) synthetic proofed fabrics, whether single textured or double textured, used as substitutes for rubberised sheets and leather cloth.

(*b*) "Dealer" means a person carrying on the business of selling cloth or yarn or both, whether wholesale or retail, and whether or not in conjunction with any other business and shall include master weavers of handloom cloth;

(*c*) "Manufacturer" means a person engaged in the production of cloth or yarn or both, including any process ancillary to such production, like dyeing, bleaching, embroidering, printing and finishing; and "manufacture" shall be construed accordingly;

(*d*) "Textile Commissioner" means the Textile Commissioner appointed by the Government and includes such Additional Textile Commissioner as may be appointed by the Government.

4. The Government or the Textile Commissioner may, by notification in the Gazette, specify—

(*a*) the maximum quantity of handloom cloth which may be stocked by any dealer and the maximum period for which he may hold such stocks;

(*b*) the maximum prices, ex-factory, wholesale and retail, at which any class or specification of cloth or yarn may be sold;

(*c*) the markings to be made by the manufacturers and dealers on any class or specification of cloth or yarn manufactured or sold by them and the time and manner of making those markings.

4-A. (1) The Textile Commissioner may, for the purposes of a notification under sub-clauses (*b*) and (*c*) of clause 4 relating to cloth or yarn imported from outside India, provide in such notification for the determination of the landed cost of such cloth or yarn, the issue of certificates as to such landed cost and the charging of fees therefor;

(2) Every importer of cloth or yarn from outside India shall submit within such time, in such form and to such authority such information relating to the clearance, location, cost and other matters relevant for the determination of the landed cost under sub-clause (1) as may be specified by the Textile Commissioner by notification in the Gazette of Mysore.

4-B. Notwithstanding contained in clause 4, the Textile Commissioner may fix—

(*a*) the ex-factory maximum price for the purposes of the special markings under clause 9A in respect of any type of cloth for which such price has not been specified by him under clause 4;

(*b*) the maximum prices, ex-factory, wholesale and retail, at which cloth produced by a manufacturer or other person referred to in the explanation to sub-clause (2) of clause 7 may be sold and may further specify the markings to be made on such cloth and the time and manner of making them.

5. The Textile Commissioner may from time to time issue directions in writing to any manufacturer regarding the classes or specifications of cloth or yarn, and the maximum or minimum

quantities thereof, which he shall or shall not manufacture during such periods as may be specified in the directions, and the manufacturer shall comply with all such directions.

6. (1) No manufacturer or dealer shall sell or offer to sell any cloth or yarn at a price higher than the maximum price specified in this behalf under clause 4 or under sub-clause (*b*) of clause 4B;

(2) Every sale of cloth or yarn by a dealear, except to a consumer, shall be at a price either f.o.r. station of despatch or ex-godown of storage at the buyer's option:

Provided that the commission of a Commission Agent shall be paid by the buyer.

(2A) No person acting as a Commission Agent in respect of a sale of cloth or yarn (to which sub-clause 2 applies) shall receive a commission which exceeds 1/2 per cent of the maximum price of the cloth or yarn the subject-matter of such sale;

(3) Every dealer shall exhibit on his premises a true copy of each of the nofitications that may have been or may hereafter be issued by the Government or Textile Commissioner under clause 4 specifying the maximum prices at which cloth or yarn may be sold;

(4) No manufacturer or dealer shall, without sufficient cause refuse to sell cloth or yarn to any person.

Explanation.—The possibility or expectation of obtaining higher price at a later date shall not be deemed to be sufficient cause for the purpose of this sub-clause.

7. (1) Where the Textile Commissioner has specified under clause 4 the markings to be made and the time and manner of making them in respect of any class or specification of cloth or yarn—

(*a*) the manufacturer or, as the case may be, the dealer in such cloth or yarn shall cause the markings to be made thereon at the time and in the manner specified by the Textile Commissioner;

(*b*) no person other than such manufacturer or dealer shall cause the markings to be made on any such cloth or yarn;

(*c*) no person other than the manufacturer thereon shall have in his possession or under his control any such cloth or yarn which is not so marked, unless it be for *bona fide* personal requirements;

(*d*) no person shall alter or deface or cause or permit to be altered or defaced the markings made on any such cloth or yarn held by him otherwise than for his *bona fide* personal requirements;

(*e*) no person shall make on any cloth or yarn any other markings resembling the prescribed markings in a manner calculated to mislead;

(*f*) no person shall have in his possession or under his control otherwise than for his *bona fide* personal requirements any cloth or yarn the markings whereon are altered or defaced or are of the character specified in paragraph (*e*);

(2) No manufacturer shall sell or deliver any cloth or yarn of which the maximum prices have not been specified by the Textile Commissioner under clause 4:

Provided that a manufacturer who has applied to the Textile Commissioner for the fixation of the price of such cloth or yarn may, before the price thereof are notified, deliver any such cloth or yarn marked with prices provisionally sanctioned by the appropriate member of the Industry's Committee of the Board constituted by the Government of India under that Government's Cotton Cloth and Yarn (Control) Order, 1945, and in relation to the cloth or yarn so delivered; the prices marked shall be deemed to have been fixed under this Order.

Explanation.—Nothing in this sub-clause applies to a manufacturer who does not manufacture any yarn and who had in his possession or under his control not more than 24 power-looms on the 1st January 1944, or to any person engaged solely in any process ancillary to the production of cloth or yarn.

(3) No person shall use for the purpose of weaving cloth any yarn (other than hand-spun yarn) the maximum price of which has not been fixed by the Textile Commissioner under clause 4.

8. (1) No dealer shall, after the 31st December 1944, buy or sell or have in his possession—

(*a*) any cloth or yarn manufactured in India before the 1st August 1943;

(*b*) any cloth or yarn manufactured in India and packed after the 31st July 1943 and before the 1st January 1944.

(2) No manufacturer or dealer shall buy or sell or have in his possession any cloth or yarn, whether manufactured in India or elsewhere, other than that referred to in sub-clause (1), after the expiration of twelve months from the last day of the month marked on the cloth or yarn in accordance with the directions of the Textile Commissioner under clause 4; and no person shall buy or sell or have in his possession any such cloth or yarn in unopened bales or cases after the expiration of six months from the said date;

(3) For the purposes of this clause—

(i) cloth or yarn shall be deemed to be in the possession of a person when it is held on behalf of that person by another person;

(ii) a bale or case shall be deemed to be unopened if the hoops or other bindings and all outer covering have not been removed;

(iii) cloth or yarn of Indian manufacture not bearing any markings in accordance with the direction of the Textile Commissioner under clause 4 shall, unless the contrary is proved, be deemed to have been manufactured in India before the 1st of August 1943.

(4) Nothing in this clause shall apply to handloom cloth.

9. The Textile Commissioner may, by general or special order, exempt any cloth or yarn, or any class of cloth or yarn from all or any of the provisions of clauses 7 and 8.

9-A. Notwithstanding anything contained in clauses 8 (1) and 8 (2), cloth or yarn not disposed of within the period specified in those classes may be kept and sold by a dealer subject to the conditions notified in this behalf by the Textile Commissioner prescribing the special markings to be made on such cloth or yarn, the agency by which the markings shall be made and the fee payable for such marking :

Provided, however, that no such cloth or yarn shall be kept undisposed of by any dealer, or by any person holding on behalf of a dealer, for more than 6 months after the date of such marking.

10. Where, in pursuance of a notification under clause 4 or clause 9A, any piece of cloth is required to be marked at one end with the price at which it is to be sold retail, and the piece is not sold as a whole, that portion of the piece containing the price-marking shall be sold last by the dealer.

11. Every manufacturer, every dealer and every person to whom any stocks of cloth or yarn have been pledged by a manufacturer or dealer, shall declare the stocks of cloth or yarn held by him on such dates in such form and to such authority as may be specified by the Textile Commissioner by notification in the Gazette.

12. (1) No manufacturer shall, save with the permission of the Textile Commissioner, at any time hold—

(*a*) stocks of cloth exceeding the total quantity manufactured by him during the preceding three months ; or

(*b*) stocks of yarn exceeding—

(i) in the case of a person engaged in the manufacture of yarn alone, the quantity of yarn manufactured by him during the preceding two months ;

(ii) in the case of a person engaged in the manufacture of cloth alone, the quantity of yarn reasonably required by him for manufacturing cloth during the next three months ; and

(iii) in the case of a person engaged in the manufacture of both cloth and yarn, the sum total of the quantity of yarn reasonably required by him for the manufacture of cloth during the next three months and the amount equal to the yarn manufactured by him during the preceding three months surplus to his own requirements during that period.

For the purposes of this sub-clause, cloth on looms and yarn in process of manufacture into cloth shall not be taken into account in computing the stocks held by the manufacturer.

(2) No dealer or other person not being a manufacturer shall, save with the permission of the Textile Commissioner at any time, hold stocks of cloth or yarn in excess of his normal requirements.

Explanation.—In the case of a person engaged in manufacturing from cloth or yarn articles such as ropes, tapes, newar, bandages, or canvas, his normal requirements of cloth or as the case may be, of yarn, for the purposes of this sub-clause shall be deemed to be the quantity of cloth or yarn used by him during the preceding three months in such manufacture.

(3) Nothing in sub-clause (2) shall be deemed to apply in relation to the possession by any person carrying on the business of banking of cloth or yarn pledged with him by a dealer or a manufacturer;

(4) For the purposes of sub-clauses (1) and (2), any cloth or yarn agreed to be sold to a dealer by a manufacturer and of which delivery has not been taken by the due date, shall be deemed to be held by the dealer and not by the manufacturer.

12-A. (1) No manufacturer shall, save in accordance with a general or special permission of the Textile Commissioner or in compliance with a direction given under clause 12B—

(*a*) sell or agree to sell cloth or yarn to any person who—

(i) is not a licensed dealer under the rules framed in this behalf by the Government; and

(ii) did not, as a dealer, buy any cloth or yarn from him at any time during the years 1940 and 1942;

(*b*) during any quarter deliver to any dealer, whether in pursuance of a pre-existing contract or otherwise, cloth or yarn in excess of his quota determined under sub-clause (2).

(2) For purposes of sub-clause (1) (*b*), a dealer's quota of cloth shall bear to the value of the total deliveries of cloth made to all dealers during the quarter by the manufacturer concerned the same proportion as the value of the total deliveries of cloth made to that dealer during the years 1940, 1941 and 1942 bore to the value of the total deliveries of cloth made to all dealers during the same years by the same manufacturer; and a dealer's quota of yarn shall be similarly determined;

(3) Every manufacturer shall maintain a register of contracts and deliveries and shall submit returns in such form and at such time as the Textile Commissioner may prescribe.

12-B. (1) The Textile Commissioner may, with a view to securing a proper distribution of cloth or yarn or with a view to securing compliance with this Order, direct any manufacturer or dealer, or any class of manufacturers or dealers—

(*a*) to sell to such person or persons such quantities of cloth or yarn as the Textile Commissioner may specify;

(*b*) not to sell or deliver cloth or yarn of a specified description except to such person or persons and subject to such conditions as the Textile Commissioner may specify;

(*c*) to furnish such returns or other information, relating to his or their undertaking, and in such manner, as the Textile Commissioner may specify; and may issue such further instructions as he thinks fit regarding the manner in which the direction is to be carried out.

(2) Every manufacturer or dealer shall comply with the directions and instructions given under sub-clause (1).

13. The Textile Commissioner may, with a view to securing compliance with this Order,—

(*a*) require any person to give any information in his possession with respect to any business carried on by that or any other person;

(*b*) inspect or cause to be inspected any books or other documents belonging to or under the control of any person;

(*c*) enter and search, or authorise any person to enter and search, any premises and seize or authorise any person to seize any cloth or yarn in respect of which he has reason to believe that a contravention of this Order has been committed.

14. If any person with the intent that any provision of this Order may be evaded refuses to give any information lawfully demanded from him under clause 13, or conceals, destroys, mutilates or defaces any book or other documents, he shall be deemed to have contravened the provision of this Order.

15. The Textile Commissioner may, with the sanction of the Government and by general or special order in writing, authorise any person to discharge on his behalf all or any of his functions under this Order.

16. A Court trying any contravention of this Order may, without prejudice to any other sentence which it may pass, direct that any cloth or yarn in respect of which it is satisfied that such a contravention has occurred shall be forfeited to the Government.

17. No prosecution for the contravention of any of the provisions of this Order shall be instituted without the previous sanction of the Government or of such officer of the Government not below the rank of District Magistrate as the Government may by general or special order in writing authorise in this behalf.

No. C. 648—Co. 36-45-3, dated Bangalore, the 12th December 1945.

The Government of His Highness the Maharaja are pleased to supersede, as a temporary measure, their Notification No. D. 3979—Seri. 115-43-61, dated the 21st November 1945, fixing the maximum prices for sale of filature silk. They are further pleased to direct that action be taken to fix the prices of filature silk on reasonable basis under Section 6 of the Hoarding and Profiteering Prevention Act.

E. V. GANAPATI IYER, *Civil Supplies Secy.*

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